

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR04-5087-MAT
Plaintiff,)
v.) SUMMARY REPORT OF U.S.
KEVIN D. LYONS,) MAGISTRATE JUDGE AS TO
Defendant.) ALLEGED VIOLATIONS OF
) SUPERVISED RELEASE
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)

An initial hearing on supervised release revocation in this case was scheduled before me on January 12, 2006. The United States was represented by AUSA Barbara J. Sievers and the defendant by Carol A. Koller. The proceedings were digitally recorded.

Defendant had been sentenced on or about March 3, 2004 by the Honorable Karen L. Strombom on a charge of Possession of drug paraphernalia, simple possession of marijuana and sentenced to 2 years probation.

The conditions of probation included the standard conditions plus participate in a drug dependency/substance abuse program, abstain from the use of alcohol, and submit to search. (Dkt. 5).

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Defendant's probation officer reported on April 16, 2004 that defendant tested positive for marijuana. He was reprimanded, placed in a structured testing program, and referred for assessment and counseling. (Dkt. 7). A similar report was filed on September 24, 2004. (Dkt. 8). The same actions were taken, plus a referral to an intensive outpatient program.

In an application dated December 23, 2005, U.S. Probation Officer Brian K. Facklam alleged the following violation of the conditions of probation:

1. Failing to report for drug testing on March 18, April 1, August 23, and 29, September 6 and 28, October 11, November 4 and 14, December 7 and 8, all in 2005, in violation of his special condition requiring that he submit to testing.

2. Failing to submit monthly reports from May 2005 to present in violation of standard condition 2.

3. Failing to report as instructed by the probation officer in violation of standard condition 2

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted each of the alleged violations and waived any evidentiary hearing as to whether they occurred.

I therefore recommend the Court find defendant violated his supervised release as alleged and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Strombom.

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01 Pending a final determination by the Court, defendant has been released on the conditions
02 of his probation.

03 DATED this 12th day of January, 2005.

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06 Mary Alice Theiler
07 United States Magistrate Judge

08 cc: Magistrate Judge: Honorable Karen L. Strombom
AUSA: Barbara J. Sievers
09 Defendant's attorney: Carol A. Koller
Probation officer: Brian K. Facklam